

## Message Text

CONFIDENTIAL

PAGE 01 LONDON 03323 01 OF 02 211114 Z

12

ACTION EUR-25

INFO OCT-01 PM-09 ADP-00 CIAE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 H-02 INR-09 L-03 NSC-10 PA-03 RSC-01

PRS-01 SS-14 NEA-10 ACDA-19 MBFR-03 GAC-01 EB-11

TRSE-00 OMB-01 T-03 SAJ-01 CCO-00 RSR-01 /128 W

----- 109367

O R 211054 Z MAR 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 9859

INFO DOD WASHDC IMMEDIATE

USCINCEUR

CINCUSAFFE

CINCUSAREUR

CINCUSNAVEUR

HQ 3 AF RAF MILDENHALL

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 03323

E. O. 11652: XGDS-1

TAGS: MARR, UK

SUBJECT: US/ UK COST SHARING ARRANGEMENT

REFS: ( A) LONDON 3258, ( B) LONDON 3259 ( C) LONDON 3288,

( D) STATE 197846, ( E) STATE 203834, ( F) LONDON 12032

( G) STATE 10932

1. FCO LETTER OF MARCH 16 ( EF B) REFERS IN ITS FINAL PARAGRAPH TO EMBASSY LETTERS OF 13 NOVEMBER 1972 AND 9 JANUARY 1973. TO ASSIST DEPARTMENT IN RESPONDING TO LATEST UK DRAFT OF AGREEMENT, WE REPEAT BELOW FULL TEXT OF THOSE LETTERS. 13 NOVEMBER LETEA U EAEEE ON INSTRUCTIONS IN REFS ( D) AND ( E), OFFERED THREEPART PACKAGE DESIGNED TO BREAK IMPASSE THEN EISTING ON DAMAGE CLAIMS AND SUPERANNUATION CLAIMS. LETTER SET FORTH GENERAL PRINCIPLES FOR SETTLEMENT OF AGRICULTURAL DAMAGE CLAIMS, AND ENCLOSED A DRAFT MOU ( AS APPROVED REF D) WHICH WAS SUBSEQUENTLY MODIFIED BY

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PAGE 02 LONDON 03323 01 OF 02 211114 Z

3 RD AF/ MOD DISCUSSION DECEMBER 11 ( REF F). 13 NOVEMBER LETTER ALSO PROPOSED US PAYMENT OF PAST SUPERANNUATION CLAIMS BUT NOT FUTURE CLAIMS. BRITISH REJECTED THIS PROPOSAL ON SUPERANNUATION BUT SUBSEQUENTLY INDICATED THEY MIGHT ACCEPT IN REVERSE; EMBASSY'S LETTER OF 19 JANUARY FORMALLY OFFERED REVISED SUPERANNUATION FORMULA AS AUTHORIZED REF ( G).

2. EMBASSY LETTER OF 13 NOVEMBER 1972:

QUOTE

DEAR MR. OVERTON:

SINCE THE AUGUST 3 MEETING ON THE DRAFT US/ UK COST- SHARING ARRANGEMENT, WE HAVE CAREFULLY REVIEWED THE ISSUES STILL TO BE AGREED BETWEEN US. WE NOW WISH TO MAKE A SET OF PROPOSALS WHICH WE HOPE WILL PERMIT US TO BRIDGE THE REMAINING GAPS BETWEEN OUR POSITIONS.

WE HAVE CAREFULLY CONSIDERED YOUR POSITION ON THE TWO MAJOR UNRESOLVED QUESTIONS, ( DE' S ON SUPERANNUATION, AND DAMAGE CLAIMS) INCLUDING MR. BRETT' S LETTER OF 31 AUGUST 1972 AND MR. BRIGHTY' S LETTER OF 31 OCTOBER 1972. WE BELIEVE IT IS EVIDENT THAT FURTHER DEBATE IS UNLIKELY TO RESOLVE OUR DIFFERENT POINTS OF VIEW AND THAT NEW APPROACHES ARE REQUIRED IF ANY PROGRESS IS TO BE MADE. IN THE PROPOSALS WHICH FOLLOW, OUR APPROACH HAS BEEN TO SET ASIDE QUESTIONS OF PRINCIPLE AND PRE- CEDENT AND TO SEEK COMPROMISE FORMULATIONS WHICH WILL GIVE EACH SIDE SOME PRACTICAL BENEFIT. WE BELIEVE THE NEED TO BRING THIS LONG AND TORTUROUS NEGOTIATION TO AN END IS NOW THE OVERRIDING CONSIDER- ATION, AND VERY MUCH HOPE THAT WITH A SIMILAR APPROACH ON YOUR PART, WE CAN CLEAR THE REMAINING HURDLES AND SIGN A NEW AGREEMENT BY THE END OF THIS YEAR.

OUR PROPOSALS, WHICH ARE INTENDED AS AN INTERDEPENDENT PACKAGE, ARE AS FOLLOWS:

1. DEPARTMENTAL EXPENSES ON SUPERANNUATION FOR DIRECT HIRE EMPLOYEES.

THE UNITED STATES WILL PAY VALIDATED CLAIMS FOR DE' S ON SUPERANNUATION PAYMENTS MADE PRIOR TO THE SIGNATURE OF THE NEW CSA, BUT NOT FOR SIMILAR PAYENTS THEREAFTER.

CONFIDENTIAL

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PAGE 03 LONDON 03323 01 OF 02 211114 Z

2. CLAIMS FOR AGRICULTURAL DAMAGE.

THE LETTER OF 31 AUGUST 1972 FROM MR. O. H. BRETT OF THE MINISTRY OF DEFENSE, AND PREVIOUS MOD STATEMENTS SUGGEST A GENERAL PRINCIPLE WHICH WE BELIEVE IS REASONABLE TO BOTH SIDES: THAT CLAIMS INCIDENT TO THE INITIAL ACQUISITION OF LAND FOR U. S. FORCES SHOULD BE BORNE BY HMG, WHILE CLAIMS INCIDENT TO WORK OR OTHER ACTIVITIES PERFORMED ON SUCH LAND SUBSEQUENT TO ITS INITIAL ACQUISITION SHOULD BE BORNE BY THE USG. WE SEE NO REASON HOWEVER TO EXCEPT NON- SURPLUS LAND MADE AVAILABLE UNDER PARA 2( B) FROM THIS DIVISION OF RESPONSIBILITIES.

I AM ENCLOSING A DRAFT MEMORANDUM OF UNDERSTANDING

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PAGE 01 LONDON 03323 02 OF 02 211120 Z

12  
ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 NSAE-00 NSCE-00 SSO-00 USIE-00

CCO-00 INRE-00 PM-09 H-02 INR-09 L-03 NSC-10 PA-03

RSC-01 PRS-01 SS-14 T-03 NEA-10 ACDA-19 GAC-01 MBFR-03

SAJ-01 EB-11 TRSE-00 OMB-01 RSR-01 /128 W  
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OR 211054 Z MAR 73  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC IMMEDIATE 9860  
INFO DOD WASHDC IMMEDIATE  
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CINCUSAFE  
CINCUSAREUR  
CINCUSNAVEUR  
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CONFIDENTIAL SECTION 02 OF 02 LONDON 03323

(ENCLOSURE 1) WHICH WOULD SERVE AS EXAMPLE TO

FUTURE DAMAGE CLAIMS.

IF THIS MOU CAN BE AGREED, WE WOULD PROPOSE THAT IT SHOULD BE SIGNED BY THE THIRD AIR FORCE AND THE MINISTRY OF DEFENSE. ALTERNATIVELY, IF YOU PREFER, THE MOU COULD BE MADE AN ATTACHMENT TO THE NEW CSA AND BE CONSIDERED AN INTEGRAL PART THEREOF. IN EITHER CASE, WE WOULD PROPOSE TO DROP SUBPARAS 4( C ) AND 4( D ) FROM THE EXISTING TEXT AS SUPERFLUOUS.

WITH RESPECT TO CLAIMS NOW OUTSTANDING, IT IS OUR UNDERSTANDING THAT THERE ARE OVER 200 CLAIMS IN DISPUTE, TOTALLING 15,866.92 POUNDS. TO AVOID A COSTLY AND TIME- CONSUMING REVIEW OF THESE CLAIMS UNDER THE TERMS OF THE PROPOSED MOU, THE UNITED STATES PROPOSES TO PAY 50 PER CENT OF THE TOTAL AMOUNT, OR 7933.46 POUNDS, ON THE FOLLOWING UNDERSTANDING:

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PAGE 02 LONDON 03323 02 OF 02 211120 Z

( A) THAT THIS PAYMENT WILL RELIEVE THE USG OF ANY FURTHER RESPONSIBILITY FOR DAMAGE CLAIMS NOW OUTSTANDING;

( B) DAMAGE CLAIMS WHICH HAVE NOT YET BEEN REPORTED TO THIRD AIR FORCE OR WHICH MAY ARISE IN THE FUTURE WILL BE HANDLED PURSUANT TO THE PROPOSED THIRD AIR FORCE/ MOD MEMORANDUM OF UNDERSTANDING.

(3) HMG WILL AGREE THAT A DE RATE OF 7 1/2 PER CENT WILL APPLY RETROACTIVELY TO APRIL 1, 1972 FOR ALL CONSTRUCTION AND MAINTENANCE PROJECTS OF ALL U. S. MILITARY SERVICES IN THE U. K.

A NUMBER OF LESSER POINTS ARE STILL TO BE CLEARED UP. I HAVE LISTED THESE AT ENCLOSURE 2, KEYED TO THE CURRENT DRAFT CSA, TOGETHER WITH OUR COMMENTS OR SUGGESTIONS ON HOW THEY SHOULD BE DEALT WITH.

WHEN YOU HAVE EXAMINED THESE PROPOSALS, WE WOULD LIKE TO MEET WITH YOU AT THE EARLIEST POSSIBLE DATE TO DISCUSS THEM. ONCE AGREEMENT IN PRINCIPLE IS REACHED, WE ARE PREPARED TO MOVE AHEAD PROMPTLY TO THE FINAL DRAFTING OF THE AGREEMENT. UNQUOTE

3. EMBASSY LETTER OF 19 JANUARY 1973:

QUOTE

DEAR EMRYS:

I WROTE TO HUGH OVERTON ON NOVEMBER 13 TO MAKE A SET

OF PROPOSALS REGARDING THE MAJOR ISSUES UNDER DISCUSSION  
ON THE COST- SHARING NEGOTIATION.

FOLLOWING OUR RECENT DISCUSSIONS, I HAVE NOW BEEN  
AUTHORIZED TO MAKE THE FOLLOWING PROPOSAL TO REPLACE  
POINT 1 OF MY NOVEMBER 13 LETTER:  
1. DEPARTMENTAL EXPENSES ON SUPERANNUATION FOR  
DIRECT HIRE EMPLOYEES.

THE UNITED STATES WILL PAY VALIDATED CLAIMS FOR  
DEPARTMENTAL EXPENSES ON SUPERANNUATION PAYMENTS MADE  
SUBSEQUENT TO THE ENTRY INTO FORCE OF THE NEW COST-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LONDON 03323 02 OF 02 211120 Z

SHARING ARRANGEMENTS, BUT NOT FOR SIMILAR PAYMENTS MADE  
PRIOR TO THE DATE OF THE MEMORANDUM OF UNDER-  
STANDING.

LIKE THE EARLIER PROPOSAL WHICH IT REPLACES, THIS PRO-  
POSAL IS MADE AS ONE COMPONENT OF AN INTERDEPENDENT  
PACKAGE, AND IS CONTINGENT UPON ACCEPTANCE OF OUR PRO-  
POSALS ON AGRICULTURAL DAMAGE CLAIMS AND RETROACTIVE  
APPLICATION OF THE NEW DE RATE OF 7 1/2 PER CENT.

UNQUOTE

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Copy:** SINGLE  
**Draft Date:** 21 MAR 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** martinjw  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Enclosure:** n/a  
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**Page Count:** 5  
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**Previous Handling Restrictions:** n/a  
**Reference:** 73 LONDON 3258, 73 LONDON 3259 ( C ) LONDON 3288, 73 STATE 197846, 73 STATE 203834, 73 LONDON 12032, 73 STATE 10932  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** martinjw  
**Review Comment:** n/a  
**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <26-Jul-2001 by izenbei0>; APPROVED <22 FEB 2002 by martinjw>  
**Review Markings:**  
  

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

  
**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**To:** EUR  
**SECSTATE WASHDC INFO DOD**  
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**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005